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United States Attorney

BRIAN STRETCH (CABN 163973)  
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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

CHARLES LEE REDDEN, JR.,

Defendant.

Criminal No. CR 07-0802 VRW

**UNITED STATES' REPLY TO  
DEFENDANT'S MOTION FOR  
DISCOVERY**

**I. Introduction**

On January 22, 2008, counsel for the government received a copy by mail of the defendant's motion for discovery asking the Court to issue an order requiring the government to turn over all documents and discovery to the defendant and advisory counsel by a date set forth by this Court. (See Exhibit A) The government opposes an order setting a discovery deadline at the present time on the grounds that such an order is premature and unnecessary.

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**UNITED STATES' REPLY TO DEFENDANT'S MOTION FOR DISCOVERY  
CR 07-0802 VRW**

## II. Proposed Order at this Time Is Premature and Unnecessary

1 The government has turned over all discovery to the defendant in manner exceeding the  
2 requirements of the Federal Rules including Rule 16, the Jencks Act, and other applicable rules.  
3 As the defendant stated in his Motion, the government turned over documents of discovery  
4 labeled CLR-000001 through CLR-000343 on January 4, 2008. (Def. Motion at 1). In addition,  
5 on January 17, 2008, the government turned over supplemental document discovery labeled  
6 CLR-000344 through CLR-000370. (Exhibit B) Most recently, on January 23, 2008, the  
7 government just sent out document discovery labeled CLR-000371 through CLR-000410.  
8 (Exhibit C) The aforementioned document discovery consists of Bureau of Prison (BOP)  
9 records, records from the Cornell Corrections Residential Re-entry Center, the defendant's BOP  
10 records of mental examinations, witness interviews, records of interviews of the defendant,  
11 certified copies of public records, and other documents relevant to this case. The government has  
12 sought to turn over all document discovery to defendant as soon as it has received such  
13 documents in order to facilitate a resolution in this matter. The government will continue to turn  
14 over any new discovery that comes into its possession.

15 The government is prepared to set a discovery schedule at the next status appearance or  
16 trial setting hearing before this Court. However, an order setting a discovery deadline at this time  
17 is premature since a trial date has not been set and because there remains the possibility that this  
18 matter will be related back to another judge. Furthermore, an order at this time is unnecessary  
19 since the government has continued to turn over discovery early and quickly, exceeding the  
20 requirements of the Federal Rules.

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**III. Conclusion**

Because the government has turned over discovery to defendant and continues to turn over new discovery; because a trial date has yet to be set, and; because of the possibility that this matter may be transferred to another judge, the government requests that the Court postpone the proposed order issuing a discovery deadline at this time.

JOSEPH P. RUSSONIELLO  
United States Attorney

DATED: 1/23/08



ALBERT B. SAMBAT  
Special Assistant United States Attorney

JOSEPH P. RUSSONIELLO (CABN 44332)  
United States Attorney

BRIAN J. STRETCH (CSBN 163973)  
Chief, Criminal Division

ALBERT B. SAMBAT (CABN 236472)  
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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

CHARLES LEE REDDEN, JR.,

Defendant.

No.: CR 07-0802 VRW

**DECLARATION OF ALBERT B.  
SAMBAT IN SUPPORT OF UNITED  
STATES' REPLY TO DEFENDANT'S  
MOTION**

I, Albert B. Sambat, declare and state as follows:

1. I am a Special Assistant United States Attorney in the Northern District of California. I have been serving a detail in this office since October 3, 2007. Immediately before that, I served as a trial attorney in the Antitrust Division of the United States Department of Justice since October of 2004.

2. I am the prosecuting attorney assigned to this matter. I am well-acquainted with the facts of the case.

3. The defendant Charles Lee Redden, Jr., was charged in an indictment returned on December 18, 2007. The indictment alleged 1 count of a violation of Title 18, United States Code Section 751(a) & 4082(a), escape from custody. The maximum penalties are 5 years

DECLARATION OF ALBERT B. SAMBAT  
CR 07-0802 VRW

1 imprisonment, a \$250,000 fine, 3 years of supervised release, and a \$100 special assessment.

2 4. On January 4, 2007, I provided the defendant with discovery bate-stamped CLR-000001  
3 through CLR-000343.

4 5. On January 17, 2008, I provided the defendant with supplemental discovery bate-stamped  
5 CLR-000344 through CLR-000370.


6 6. On January 23, 2008, I provided the defendant with additional supplemental discovery  
7 bate-stamped CLR-000371 through CLR-000410.

8 7. I declare that the aforementioned document discovery consists of Bureau of Prison (BOP)  
9 records, records from the Cornell Corrections Residential Re-entry Center, the defendant's BOP  
10 records of mental examinations, witness interviews, records of interviews of the defendant,  
11 certified copies of public records, and other documents relevant to this case.

12 8. I declare the government will continue to turn over any new discovery that comes into its  
13 possession.

14 I declare under penalty of perjury that the foregoing is true and correct to the best of my  
15 knowledge and belief.

16 Executed this 23rd day of January, 2008, at San Francisco, California.

17  
18   
19 ALBERT B. SAMBAT  
Special Assistant United States Attorney

## EXHIBIT A

1 CHARLES LEE REDDEN JR.  
2 PEN: UHN-513  
3 5325 BRODER BLVD.  
4 DUBLIN, CALIF. 94565

5 Defendant Pro Se

6  
7  
8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10 SAN FRANCISCO DIVISION  
11

12 UNITED STATES OF AMERICA, | CR 07-0802 VRW

13  
14 V.  
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16 MOTION FOR  
17 DISCOVERY;  
18 DECLARATION OF  
19 COUNSEL; AND  
20 PROPOSED ORDER.

21 CHARLES LEE REDDEN JR.  
22 DEFENDANT.  
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25 Comes now the defendant in  
26 the above entitled matter, and asks  
27 this Honorable Court to order the  
28 following motion for discovery.

ON January 4, 2008 the  
attorney for the Government  
turned over documents of discovery  
labeled CLR-0000001 through CLR-  
000343, but stated in a letter that



1 he anticipated additional discovery.

2 The defendant Pro Se asks  
3 this court that it order the  
4 attorney for the Government to  
5 turn over all materials in his  
6 possession to the defendant for  
7 inspection under Rule 16 of the  
8 Federal Rules of Criminal Procedure  
9 the Jenks Act, and any other  
10 applicable federal statutes, or rules.

11 Furthermore, the defendant  
12 will comply with reciprocal  
13 discovery under Rules 16(b) and (c)  
14 of the Federal Rules of Criminal  
15 Procedure, Rules 702, 703, and  
16 705 of the Federal Rules of  
17 Evidence, and will give notice  
18 pursuant to Rule 12.1 of the  
19 Federal Rules of Criminal  
20 procedure, and Rule 26.2

21 The defendant asks this  
22 court to order that discovery  
23 be turned over to him in a timely  
24 manner, so that he may discuss  
25 with Advisory Counsel all of the  
26  
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1 possible avenues of defense.

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3 date: 1-17-08

Respectfully Submitted

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Charles Lee Redden Jr.  
Charles Lee Redden Jr.

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**CERTIFICATE OF SERVICE**


The undersigned hereby certifies under penalty of perjury that a true copy of the foregoing  
**MOTION FOR DISCOVERY; DECLARATION OF COUNSEL;  
AND PROPOSED ORDER**

**U.S. v. Charles Lee Redden, Jr.**  
**CR 07-0802 VRW**

was delivered by U.S. Mail to:

**By U.S. Mail**  
**SCOTT N. SCHOOLS**  
United States Attorney  
**ALBERT SANBAT**  
Assistant United States Attorney  
450 Golden Gate Ave., Box 36055  
San Francisco, CA 94102

Dated: January 18, 2007

  
**MARILEE BARBEAU**  
Legal Secretary to JOYCE LEAVITT  
Assistant Federal Public Defender  
(Advisory Counsel for Charles Redden)

1 CHARLES LEE REDDEN JR.  
2 PFN: UHN-513  
3 5325 Broder Blvd.  
4 DUBLIN, CALIF. 94565

5 Defendant Pro Se

6  
7  
8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10 SAN FRANCISCO VENUE  
11

12 UNITED STATES OF AMERICA, CR 07-0802 VRW

13 [PROPOSED]  
14 ORDER

15 V.

16  
17 CHARLES LEE REDDEN JR.  
18 DEFENDANT.

19  
20 IT IS SO ORDERED.

21 The attorney for the Government  
22 shall in a timely manner, by the date  
23 set forth by this court turn over all  
24 documents of discovery to the defend-  
25 ant, and Advisory Counsel, as  
26 outlined by Rule 16 of the Federal  
27 Rules of Criminal Procedure, the  
28 Jenks Act, and all other Federal

1 Statutes, and rules.

2 IT IS FURTHER ORDERED,  
3 that the defendant Pursuant to  
4 Rules 16(b) and (c) of the Federal  
5 Rules of Criminal Procedure provide  
6 reciprocal discovery required by  
7 Rule 16(b) including the following:

8 1. Inspection and/or copies  
9 of all books, papers, documents,  
10 photographs, tangible objects, or  
11 or portions thereof in possession,  
12 custody, or control of the defendant,  
13 and which the defendant intends to  
14 introduce as evidence in chief at trial.

15 2. Inspection and/or copies  
16 of any results or reports of physical  
17 or mental examinations and of  
18 scientific tests or experiments made  
19 in connection with this case within  
20 the possession or control of the  
21 defendant which the defendant  
22 intends to introduce as evidence in  
23 chief at trial or which have been  
24 prepared by a witness whom the  
25 defendant intends to call at ~~trial~~  
26 trial when the results or reports  
27 relate to that witnesses testimony.

28 3. A written summary of

1 testimony the defendant intends to  
2 use under Rules 702, 703, and 705  
3 of the Federal Rules of Evidence  
4 as evidence at trial. The summary  
5 must describe the opinions of the  
6 witnesses, the bases and reasons  
7 therefor, and the witnesses  
8 qualifications.

9 IN addition it is also ordered,  
10 pursuant to Rule 12.1 of the  
11 of the Federal Rules of Criminal  
12 Procedure that the defendant  
13 give notice to the government of  
14 any alibi that he may offer regard-  
15 ing the commission of the offense  
16 charged in the complaint, and  
17 indictment. Finally Pursuant to  
18 Rule 26.2 of the Federal Rules of  
19 Criminal Procedure I order that  
20 the defendant produce statements  
21 of witnesses whom the defendant  
22 intends to call at trial.

23 IT IS SO ORDERED.

24  
25 DATE : \_\_\_\_\_

26 V. R. WALKER  
27 U.S. DISTRICT JUDGE  
28

1 CHARLES LEE REDDEN JR.  
2 UHN-513  
3 5325 Broder Blvd.  
4 DUBLIN, CALIF. 94565

5 Defendant Pro Se

6  
7  
8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10 SAN FRANCISCO VENUE

11  
12 UNITED STATES OF AMERICA, | CR07-0802VRW

13  
14 | DECLARATION OF  
15 | COUNSEL

16  
17 V

18 CHARLES LEE REDDEN JR.  
19 DEFENDANT

20 I, Charles LEE Redden Jr.  
21 declare as follows:

22 1) I am the defendant  
23 proceeding Pro Se in the above  
24 entitled matter, with Advisory  
25 Counsel Joyce Leavitt from the  
26 Federal Public Defenders Office, and  
27 declare under the penalty of perjury  
28 that all of the foregoing information



1 is true, and correct to the best of  
2 my knowledge.

3  
4 DATE: 1-17-08

Charles Lee Redden Jr

## EXHIBIT B



*United States Attorney  
Northern District of California*

*11th Floor, Federal Building  
450 Golden Gate Avenue, Box 36055  
San Francisco, California 94102-3495*

*(415) 436-7200  
FAX (415) 436-7234*

January 17, 2008

Mr. Charles Lee Redden, Jr.  
PFN: UHN513  
5325 Broder Boulevard  
Dublin, CA 94565

Re: United States v. Charles Lee Redden, Jr., CR 07-0802 VRW

Dear Charles:

Attached, please find supplemental discovery documents bates stamped CLR-000344 through CLR-000370.

Providing this discovery is not a concession or acknowledgment by the government that any or all of the foregoing discovery is required under Rule 16, the Jencks Act, or other federal statutes or rules. We explicitly reject any suggestion that the criminal local rules serve as valid authority for any substantive discovery obligations beyond that required under the applicable federal statutes and rules (e.g., Rule 16 and Jencks).

Very truly yours,

JOSEPH P. RUSSONIELLO  
United States Attorney

Albert B. Sambat  
Special Assistant United States Attorney

Enclosures

cc: Joyce Leavitt, Assistant Public Defender-Advisory Counsel

## EXHIBIT C



*United States Attorney  
Northern District of California*

*11th Floor, Federal Building  
450 Golden Gate Avenue, Box 36055  
San Francisco, California 94102-3495*

*(415) 436-7200  
FAX: (415) 436-7234*

January 23, 2008

Mr. Charles Lee Redden, Jr.  
PFN: UHN513  
5325 Broder Boulevard  
Dublin, CA 94565

Re: United States v. Charles Lee Redden, Jr., CR 07-0802 VRW

Dear Charles:

Attached, please find supplemental discovery documents bates stamped CLR-000371 through CLR-000410.

Providing this discovery is not a concession or acknowledgment by the government that any or all of the foregoing discovery is required under Rule 16, the Jencks Act, or other federal statutes or rules. We explicitly reject any suggestion that the criminal local rules serve as valid authority for any substantive discovery obligations beyond that required under the applicable federal statutes and rules (e.g., Rule 16 and Jencks). However, I will continue to turn over supplemental discovery as soon as I receive them in order to facilitate a resolution in this matter.

Very truly yours,

JOSEPH P. RUSSONIELLO  
United States Attorney

Albert B. Sambat  
Special Assistant United States Attorney

Enclosures

cc: Joyce Leavitt, Assistant Public Defender-Advisory Counsel